

REMARKS/ARGUMENTS

A telephone interview for discussing the application was originally scheduled for December 18, 2008. However, the Examiner was unavailable at that time. ***It is respectfully requested that the Examiner telephone Applicants' attorney at the telephone number set forth below to schedule an interview if there are any further issues that need to be resolved before a Notice of Allowance is issued.***

Claims 1-17 and 19-34 are pending. Claims 20, 24, and 27-29 are amended.

Claims 31-34 are newly added. The new claims are supported by the specification as filed, for example in paragraphs [0043], [0044], and [0045].

No new matter has been added.

Rejections under 35 U.S.C. § 103

Claims 1-4, 7-13, 15, 17, and 19-30 were rejected under 35 U.S.C. § 103(a) as obvious in view of Wells et al. (U.S. Pat. No. 6,488,585) (hereinafter "Wells") and Baldwin (U.S. Pat. No. 6,732,195) (hereinafter "Baldwin"). Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as obvious in view of Wells, Baldwin, and Itkis (U.S. Pat. No. 4,856,787) (hereinafter "Itkis"). Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as obvious in view of Wells, Baldwin, and Jorasch et al. (U.S. 6,379,248) (hereinafter "Jorasch").

These rejections and the associated assertions of the Office Action are respectfully traversed. However, in order to expedite the prosecution of this application, independent claims 20, 24, and 27-29 have been amended to more clearly distinguish the art relied upon.

It is respectfully submitted that the rejections should be withdrawn for at least the following reasons.

The independent claims each recite certain features similar to claim 1. By way of example, claim 1 recites a communications and data transfer system for gaming establishments having a plurality of gaming machines arranged in a configuration. Claim 1 includes the following features:

a hand held portable transponder adapted to transmit and
receive modulated electromagnetic radiation over a limited range

which is about the linear distance occupied by said gaming machines, said transponder further comprising a display device and an input mechanism,

...

wherein said transponder is further operable: **to make a prediction regarding performance of at least one new game** to replace a current game of said one or more gaming machines, and **display the prediction** regarding the performance of the at least one new game on said one or more gaming machines.

(Emphasis Added.)

The following passage of Wells is cited in the Office Action as disclosing a transponder operable to make a prediction regarding performance of at least one new game to replace a current game of said one or more gaming machines. (Office Action, page 2, line 24 through page 3, line 2).

Although it is possible to combine numerous functions onto a given board, typically numerous boards will be provided in a gaming terminal for forming a plurality of functions. In the depicted embodiment, the game controller board communicates with a communications board 124 which provides information to and, receives information from a local controller 114a and/or central computer 116, for purposes such as monitoring use and performance, assuring compliance, performing accounting and similar functions, and facilitating implementation of progressive or other multi-terminal based games or prizes. In one embodiment, the communications board 124 includes one or more ports by which a laptop 128 or other computer may be coupled to the gaming terminal 112a for, among other purposes, downloading as described more fully below.

(Wells, col. 4, lines 22-36).

It is respectfully submitted that the cited passage of Wells is distinct from a “transponder . . . operable: to make a prediction regarding performance of at least one new game to replace a current game of said one or more gaming machines,” as recited in claim 1.

For example, embodiments of claim 1 may include certain benefits as discussed in the specification:

[0043] In one embodiment, the PDA 17, the remote server, the gaming machine may execute software that analyzes performance

data for a gaming machine, a group of gaming machines and different games. This software may be used to project a performance of a particular game that is being considered as an update for a gaming machine or a group of gaming machines. For example, based upon a gaming machine's location, its past performance, a performance of a particular game, and a demographic profile of users (e.g., a distribution of ages), the software may **predict and compare performances for a number of selected games**. In another embodiment, the software may **predict the performance of a group of gaming machines with a particular mix of games**. Further, the analysis software may provide **performance predictions that compare different mixes of games and distributions of games applied to a particular group of gaming machines**. The performance data, the performance projections and comparisons may be displayed on the display screen 20 of the PDA 17.

(Emphasis Added.)

The following passage from the specification clarifies how performance predictions may be generated in one or more embodiments:

[0044] The performance predictions may be generated by multiplying the current performance of the gaming machine by different weighting factors. For example, to predict the effect of a performance of a new game on the gaming machine, the current performance of the gaming machine may be multiplied by a ratio of the average performance of the new game divided by the average performance of the new game. As another example, to predict the effect of a new game on the gaming machine, the current performance of the gaming machine may be multiplied by a ratio of the performance of gaming machine with the new game in a similar location divided by the performance of the gaming machine in the current location.

Thus, in one or more embodiments of claim 1, a transponder may predict a future performance of a new game to replace a current game. For the reasons set forth above, it is respectfully submitted that the cited passage of Wells is distinct from a "transponder . . . operable: to make a prediction regarding performance of at least one new game to replace a current game of said one or more gaming machines," as recited in claim 1.

No other reference is cited in the Office Action as disclosing or suggesting making a prediction of performance. Thus, it is respectfully submitted that the above-quoted portion of

claim 1 is not disclosed or suggested by any of the cited references, considered alone or in combination.

Baldwin is cited in the Office Action as disclosing *displaying* a prediction regarding the performance of at least one new game. (Office Action, page 3, lines 10-12). Baldwin does state:

Thus, the processor is further configured to generate a graphical representation of locations of the peripheral devices so that the display provides a static or moving map display including the graphical representation identifying a present location of the portable maintenance terminal on the map display.

(Baldwin, col. 3, lines 5-10).

If the user has not serviced all printers, then flow continues its 122 where the PDA displays the location of the nearest printer to be serviced. This display may include a map showing the position of the next printer requiring servicing relative to the technicians present location determined, for example, by the known location of the printer just serviced.

(Baldwin, col. 5, lines 26-32).

However, the above-quoted passages of Baldwin seem to relate to displaying a map or location, not displaying a prediction of performance. Further, the above-quoted passages of Baldwin seem to relate to displaying information related to a printer or a maintenance terminal, not a game. Additionally, the above-quoted passages of Baldwin seem to relate to displaying location or maintenance information, not performance information. Thus, it is respectfully submitted that the above-quoted passages of Baldwin do not disclose anything related to games, performance, or predicting performance, much less the feature of a “transponder . . . operable: to . . . display the prediction regarding the performance of the at least one new game on said one or more gaming machines,” as recited in claim 1.

No other reference is cited in the Office Action as disclosing or suggesting displaying a prediction of performance. Thus, it is respectfully submitted that the above-quoted portion of claim 1 is not disclosed or suggested by any of the cited references, considered alone or in combination.

Thus, the Office Action has not shown that several the above-quoted features of claim 1 are disclosed or suggested by Wells and Baldwin, considered alone or in combination. Neither Itkis nor Jorasch are cited in the Office Action as disclosing or suggesting any of the above-quoted features of claim 1. Therefore, the Office Action has not shown that several of the above-quoted features of claim 1 are disclosed or suggested in any of the cited references, considered

alone or in combination. The independent claims each include certain features similar to the above-quoted features of claim 1. The dependent claims include all of the features of the independent claims on which they are based and are therefore allowable over the cited references for at least the reasons set forth above. Thus, it is respectfully submitted that the rejection of claims 1-17 and 19-34 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 50-4480 (Order No. IGT1P145).

Respectfully submitted,
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